

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

United States of America,) CR 04-1737-TUC-RCC (HCE)
Plaintiff,) CR 04-2248-TUC-RCC (HCE)
vs.) **REPORT & RECOMMENDATION**
Luis Carlos Saiz,)
Defendant.)
_____)

Defendant Luis Carlos Saiz is a named defendant in the two pending criminal cases arising from separate incidents: CR 04-1737-TUC-RCC (HCE) and CR 04-2248-TUC-RCC (HCE) (hereinafter CR 04-1737 and CR 04-2248 respectively).

On March 15, 2005, in CR 04-2248, the Court ordered Defendant to be examined by Dr. Joseph Geffen.

On January 5, 2006, in CR 04-2248, the undersigned Magistrate Judge granted the Government's Motion for Second Opinion of Defendant's Current Mental Competency and Insanity at the time of Charged Offense and appointed Dr. Richard M. Hinton to examine Defendant.

On January 31, 2006, the Honorable Cindy K. Jorgenson, United States District Judge reassigned CR 04-1737 to the Honorable Raner C. Collins, United States District Judge and the undersigned Magistrate Judge for further proceedings. The trial date of January 24, 2006 was stayed pending the Court's ruling on Defendant's mental health evaluation under CR 04-2248. (January 31, 2006 Order)

Defendant was evaluated on February 1, 2006 and a report from Dr. Hinton issued on February 3, 2006.

On April 12, 2006, the parties appeared for a status hearing regarding Defendant's competency and mental state at the time of the alleged offense. The Government, by Ms. Celeste Corlett, and defense counsel, Mr. Ruben Teran on behalf of Defendant and in his presence, stipulated to submission of Dr. Hinton's report for the undersigned Magistrate Judge's review and recommendation. Neither counsel objected to Dr. Hinton's evaluation or conclusion.

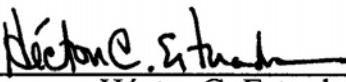
Upon review of Dr. Hinton's report, and there being no objection by either counsel, the Magistrate Judge RECOMMENDS that the District Court, after it's independent review, find by a preponderance of the evidence that Defendant is: not presently suffering from a mental disease or defect rendering him mentally incompetent; is able to understand the nature and consequences of the proceedings against him; and is able to assist properly in his defense. Consequently, Defendant is competent to stand trial or to enter into a plea agreement.

Pursuant to 28 U.S.C. §636(B) and Rule 59 of the Federal Rules of Criminal Procedure, any party may serve and file written objections within ten days after being served with a copy of this Report and Recommendation.

Failure to file objections in accordance with Fed.R.Cr.P. 59 will result in waiver of a party's right to review.

The Clerk of Court is directed to send a copy of this Report and Recommendation to the parties and/or their counsel.

DATED this 13th day of April, 2006.



Héctor C. Estrada
United States Magistrate Judge